

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

RANDALL J. KEYSTONE,)	Civil Action No. 7:15cv00553
Plaintiff,)	
)	FINAL ORDER ADOPTING
v.)	REPORT AND RECOMMENDATION
)	
G.M. HINKLE, <i>et al.</i>,)	By: Norman K. Moon
Defendants.)	United States District Judge

Randall J. Keystone, a Virginia inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983, alleging that the defendants have been deliberately indifferent to a substantial risk of serious harm by subjecting him to bad air in his cell. Defendants filed a motion for summary judgment and I referred the matter to United States Magistrate Judge Pamela Meade Sargent for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed a report, finding that Keystone's only claims that are properly exhausted are barred by the statute of limitations. Accordingly, the Magistrate Judge recommends that I grant defendants' motion for summary judgment. Neither party has filed objections to the Report and Recommendation within the time allotted. Having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, I agree with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation (Docket No. 92) is **ADOPTED** in its entirety; defendants' motion for summary judgment (Docket No. 77) is **GRANTED**; and this matter is **STRICKEN** from the active docket of the court.¹

¹ Keystone has also filed a motion for reconsideration (Docket No. 91) of my order (Docket No. 89) adopting the Magistrate Judge's Report and Recommendation that concerned Keystone's motions seeking preliminary injunctive relief. Having reviewed Keystone's motion and pertinent portions of the record, I remain

The Clerk of the Court is directed to send a copy of this order to the parties.

ENTER: This 19th day of December, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

convinced that the Report and Recommendation was properly adopted. Accordingly, Keystone's motion for reconsideration (Docket No. 91) is **DENIED**.